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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 5th meeting

Held at Headquarters, New York, on Monday, 14 June 2004, at 10 a.m.

Chairman: Mr. Aisi ..... (Papua New Guinea)

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04-38774 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Special Committee decision of 9 June 2003 concerning Puerto Rico (A/AC.109/2004/L.7)

Hearing of petitioners

2. *At the invitation of the Chairman, Mr. Mondriguez Torres (Puerto Rico Bar Association (CAPR)) took place at the petitioners' table.*

3. **Mr. Mondriguez Torres** (Puerto Rico Bar Association (CAPR)) said that, since the 1951 referendum, Puerto Rico's status had been that of a Commonwealth associated with the United States. Although that system provided for a local government, the Puerto Rican Federal Relations Act adopted by the United States favoured the preservation of a colonial system on the island. That act prevented Puerto Ricans from dealing with issues, crucial to their lives, related to the existence of military bases, external relations, international representation, participation in wars, the conclusion of trade and other agreements, immigration and many other matters.

4. As CAPR presidents had repeatedly stated before the Special Committee, political and economic dependence on another country — namely, the administering Power — had adverse consequences for the land. One of them was the participation of tens of thousands of Puerto Rican soldiers in wars waged by the United States. In particular, the fact that Puerto Ricans perished in Washington's war in Iraq, where Puerto Rico ranked third among United States territories in terms of fatal casualties, was giving serious cause for concern.

5. The Committee should consider the history of Puerto Rican participation in such wars. In March 1917, two months after Puerto Ricans had been declared United States citizens under the Jones Act, 17,855 Puerto Ricans had been called up for military service on the European theatre of operations. Of the 65,034 Puerto Ricans who had participated in World War II, 36,217 had been compulsorily enlisted. Approximately 400 Puerto Ricans had been killed and 1,000 wounded in that war. Of the 61,000 Puerto Ricans who had served in the United States Armed Forces during the Korean War, 756 had been killed and 3,049 had been wounded. In that war, among United States territories, Puerto Rico had ranked second (after the Hawaiian Islands) in terms of deaths and third in terms of other casualties. These figures corroborated the idea that the United States tended to favoured enlisting young people from their colonies to fight on the battlefield.

6. Another consequence of the colonial relationship with the United States had consisted in earlier and ongoing attempts by the United States Government to impose the application of the death penalty for some criminal cases heard by the United States federal trial court for the judicial district of Puerto Rico, ignoring the fact that the people of Puerto Rico had rejected the death penalty when it had adopted a Bill of Rights along with the 1952 constitution, the. Such activities violated the moral, religious, cultural and democratic values of the people of Puerto Rico.

7. All attempts to resolve the problem of the colonial situation of Puerto Rico had failed. Currently, the island's residents were unanimous on the fact that the solution must come from within Puerto Rico, not be imposed by the United States. In accordance with the right to self-determination, recognized in resolution 1514 (XV) of the General Assembly of 14 December 1960 and 22 resolutions of the Special Committee on the question of Puerto Rico, the people of Puerto Rico were entitled to choose freely their political system and future.

8. As a first step, CARP had proposed convening a constituent assembly. That initiative was currently considered by the Legislative Assembly. The country should receive advice on the methods to be used for discussing and reaching agreement, through a constituent assembly, on the form of structural change to be proposed regarding the actual political relationship between Puerto Rico and the United States.

9. Since Puerto Rico was still a colony, CARP once again requested the Committee's assistance in putting the problem of the colonial status of Puerto Rico on the agenda of the General Assembly.

10. *Mr. Mondriguez Torres withdrew.*

11. *At the invitation of the Chairman, Mr. Ortiz Guzman (Estado Libre Asociado de Puerto Rico (PROELA)) took place at the petitioners' table.*

12. **Mr. Ortiz Guzman** (Estado Libre Asociado de Puerto Rico (PROELA)) said that the very visit paid by a delegation of the White House Inter-Agency Committee on Puerto Rico to the Commonwealth showed that there was interest in a definitive resolution of the question of the status of Puerto Rico. That issue could not be discussed at the United Nations indefinitely: To help the Organization in its consideration of the matter and enable it to adopt appropriate measures, the Special Committee should send to Puerto Rico a visiting mission to observe the situation on the ground and in good time report its findings to the Committee. Moreover, it was advisable that the Committee should invite representatives of the three political parties — the Popular Democratic Party (*Partido Popular Democrático* or PDP), the New Progressive Party (*Partido Nuevo Progresista* or PNP) and the Puerto Rican Independence Party (*Partido Independista Puertoriqueño* or PIP) — and the Government of the Commonwealth of Puerto Rico to participate in its work and inform the members of the Committee on the actual relationship between Puerto Rico and the United States.

13. The speaker read a letter addressed by PDP Chairman **Aníbal Acevedo Vilá** to the Chairperson of the Special Committee. According to the letter, the question of Puerto Rico's status had been under discussion since the adoption of the 1952 Constitution. PDP was firmly convinced that any solution to that issue should be based on the freely expressed will of the people of Puerto Rico. PDP had consistently supported preserving Puerto Rico's commonwealth status, confirmed in General Assembly resolution 748 (VIII) of 28 November 1953. PDP, however, had also always maintained that Puerto Rico residents should have an opportunity to choose among the available options for self-determination, and therefore did not oppose maintaining the other alternatives, namely, statehood and independence. Accordingly, PDP had proposed convening a constituent assembly to settle the status issue. In fact, the PDP Chairman had proposed calling a referendum to determine the most effective mechanism for dealing with the question. A constituent assembly could ensure broad participation by offering all social groups an opportunity to be involved in the process. If the people of Puerto Rico chose the constitutional assembly method, the United States Congress could be requested to approve that mechanism. PDP was confident that a constituent assembly would launch its work in January 2005 with a view to enabling the Puerto Rican people to opt for the political status that they preferred.

14. *Mr. Ortiz Guzman withdrew.*

15. *At the invitation of the Chairman, Mr. Farinacci García (Socialist Front of Puerto Rico — Frente Socialista de Puerto Rico — (FSPR)) took place at the petitioners' table.*

16. **Mr. Farinacci García** (Socialist Front of Puerto Rico — Frente Socialista de Puerto Rico — (FSPR)) said that, addressing the Special Committee in past years, the representatives of various bodies defending Puerto Rico's right to self-determination and independence had invariably denounced the toughening of the colonial regime and noted the intensification of the Puerto Rican people's struggle against specific manifestations of imperialist domination.

17. Since 1999, all Puerto Rican organizations had described to the Special Committee the situation that had resulted from United States Navy activities on the island of Vieques. In the meantime, an end had been put to those activities, carried out by that group of mercenaries on Puerto Rican territory, and the Special Committee should be thanked for adopting a resolution expressing its support for the Puerto Rican people and calling for the departure of the United States Navy from Vieques. But the fight over Vieques was not over: It was still necessary to ensure the island's environmental rehabilitation and also for the definitive return of the liberated territory to the people of Vieques.

18. Another source of tension facing the colonial regime was the United States Government's intention to introduce in Puerto Rico capital punishment, prohibited under the Puerto Rican Constitution.

19. FSRP reiterated its confidence in the Puerto Rican people's ability to fight successfully for the recognition of its rights to self-determination and independence and for the full restitution of its sovereign authority, usurped by the United States Congress. Moreover, FSRP condemned the colonial Government's coarse attempts to resolve the question of the Territory's political status by imposing plans that involved a constituent assembly and, as the letter from the Popular Democratic Party indicated, provided for processes that would take place by permission of the United States Congress. Clearly, Puerto Rico's ruling class had no intention to change the colonial character

of the relationship with the United States, because that situation allowed them to realize profits at the expense of the Puerto Rican people. No such constituent assembly could therefore be expected to alter the nature of Puerto Rico's relations with the United States. Paragraph 4 of draft resolution A/AC.109/2004/L.7, which was before the Committee, amounted in fact to recognizing the legality of such colonialist processes and policy. Under those circumstances, FSRP could not approve a position dictated by the interests of the social groups in question.

20. FSPR would steadfastly uphold the rights of the Puerto Rican people under General Assembly resolution 1514 (XV) and called for the immediate withdrawal of the entire military, legal and political apparatus of the United States from Puerto Rico. FSRP demanded the release of all prisoners incarcerated by the colonial power. Although, in fighting for its freedom, Puerto Rico intended to rely on its own strength, the international community should live up to its obligation to support the cause of decolonization throughout the world.

21. *Mr. Farinacci García withdrew.*

22. *At the invitation of the Chairman, Mr. Martin (Puerto Rican Independence Party — Partido Independista Puertoriqueño — (PIP)) took place at the petitioners' table.*

23. **Mr. Martin** (Puerto Rican Independence Party — Partido Independista Puertoriqueño — (PIP)) his party supported the draft resolution, which appealed to the United States Government meet its obligation to create conditions that would allow the Puerto Rican people to fully exercise its inalienable right to self-determination and independence under General Assembly resolution 1514 (XV).

24. In 2003, both houses of Puerto Rico's Legislative Assembly had approved reports in favour of elections to form a constituent assembly. The current Government of Puerto Rico, however, had failed to support that proposal and refused to endorse a bill in that sense. The bill had provided for a referendum on that issue before or concurrently with the next elections, scheduled to take place in November 2004, but the governing party's candidate for the governorship had refused to encourage the Legislative Assembly to take steps in favour a referendum on the advisability of convening a constituent assembly. Moreover, he had tried to conceal that lack of political resolve by promising to endorse a legislative act providing for a referendum in 2005, although it was crystal clear that the final outcome of that move would depend on the results of the general elections, since in the event of victory of the pro-annexation party such a legislative act would be immediately repealed and the referendum would not take place. Meanwhile, public support for the idea of convening a constituent assembly had been growing despite the unwillingness of the leadership of the governing party (which maintained power by having the necessary votes in both houses of the Legislative Assembly) to launch a process of decolonization.

25. PIP was firmly convinced that the constituent assembly was the right mechanism. It also endorsed the Puerto Rico Bar Association (CAPR) proposal to call a referendum immediately.

26. *Mr. Martin withdrew.*

27. *At the invitation of the Chairman, Ms. Albizu Campos (Puerto Rican Nationalist Party — Partido Nacionalista de Puerto Rico — (PNPR)) took place at the petitioners' table.*

28. **Ms. Albizu Campos** (Puerto Rican Nationalist Party — Partido Nacionalista de Puerto Rico — (PNPR)) said that decolonization was a key universal requirement under international law. Through their presence in Puerto Rico, the United States flouted that principle and the provisions of the United Nations Charter. Ignoring Puerto Rico's aspirations for self-determination and independence, the United States refused to take steps toward genuine decolonization.

29. Make-believe democracy and elections were part of a diversionary tactic that perpetuated Puerto Rico's colonial status, served the interests of the colonial power and destroyed Puerto Rican society. Colonialism doomed Puerto Rico to arbitrary rule by an imperial power that used war as the only approach to international politics and enhanced its own strength at the expense of the freedom of other peoples in various parts of the world. The prospect that, through pressure exerted by imperialist powers under the hegemony of the United States, the law of the stronger might prevail in the world while the United Nations would simply and automatically approve arbitrary acts committed by the actual terrorists was alarming indeed.

30. Puerto Rico could not remain patient for one more century. Colonialism was a crime against humanity and its obvious aftermath were the high crime, corruption, violence and unemployment rates that plagued Puerto Rican society.

31. Certain circles in Puerto Rico were currently talking about convening a constituent assembly. PNRP wished to stress that any measure aimed at settling the issue of Puerto Rico's political status without any previous transfer of sovereign power to the Puerto Rican people would be null and void. The United States should launch the decolonization process under the resolutions that had been adopted and in accordance with the provisions of international law. Accordingly, the United States must withdraw all of its armed forces from Puerto Rican territory, release all political prisoners and assist in Puerto Rico's political, economic and social development.

32. The Special Committee's support was crucial for the exercise of Puerto Rico's right to self-determination and independence. The preamble and paragraph 4 of draft resolution A/AC. 109/2004/L.7 referred to a constituent assembly. Such an assembly, however, was not a decolonization mechanism, would only serve to perpetuate colonialism in Puerto Rico and was therefore unacceptable to PNRP.

33. The problem of the status Puerto Rico should be solved by the United Nations in line with current international law standards and the fundamental rights of the Puerto Rican people. Otherwise, the international community would not only show that it lacked the necessary political will, but also be an accessory to the genocide committed by the United States against the Puerto Rican people.

34. *Ms. Albizu Campos withdrew.*

35. *At the invitation of the Chairman, Mr. Moreno (University Front for Demilitarization and Education — Frente Universitario por la Desmilitarización y la Educación — (FUDE)) took place at the petitioners' table.*

36. **Mr. Moreno** (University Front for Demilitarization and Education — Frente Universitario por la Desmilitarización y la Educación — (FUDE)) said that FUDE strongly objected to activities under United States military programmes at the University of Puerto Rico, a public institution, and denounced the impact of the "Solomon Act" (1998) on Puerto Rican higher education. Under that act, institutions that failed to ensure the establishment and effective operation of military training programmes for reserve officers and to offer the United States Defence Department access to their campus or to the students' personal data could be denied federal financing by decision of the United States Deputy Secretary of Defence on any violations of the act brought to the attention of authorized representatives of the Armed Forces.

37. Clearly, carrying out recruitment and military training programmes on campus ran counter to a fundamental educational principle, namely a school's obligation to promote a culture of peace. Moreover, in view of the political status issue, the presence of United States Armed Forces staff in Puerto Rican universities was a constant reminder of colonial occupation. The Federal Government required the University of Puerto Rico to allow such military activities, threatened to withhold federal funds if they were opposed and silenced those who reacted against the interests of the military. Under the Solomon Act there was no room for non-compliance. The University, whose recognized mission was to fashion free individuals, had to bow to coercion. Under those circumstances, giving in to pressure was tantamount to repudiating the University's most important role: teaching students to think independently and live in accordance with their convictions.

38. After the evacuation of military bases in Puerto Rico, militarists were entrenching themselves in the country's educational institutions. Their presence on campus contributed to the consolidation of the Federal Government's political domination over the island by suggesting that submission to the apparatus of the United States Government was not only indispensable, but also advantageous. Colonialism was attempting to appear appealing at the "micro-level". The fact that military training programmes were a prerequisite for receiving federal funds called into question the very independence of a university.

39. Court decisions under the Solomon Act discouraged student participation in political activities. What was the use of independent thought, if it was no longer possible to act according to one's convictions? No doubt, colonialism threatened the very core of Puerto Rico's higher education system.

40. In the absence of democratic remedies, any action against the presence of the military at the University of

Puerto Rico was violently repressed. Coercive federal laws such as the Solomon Act limited the possibilities for individual action and threatened the exercise of fundamental rights of the citizen. In spite of everything, however, FUDE, was resolved to fight for the elimination of colonialism and its effects.

41. *Mr. Moreno withdrew.*

42. *At the invitation of the Chairman, Ms. Luz Rexach (National Advancement for Puerto Rican Culture, Inc.) took place at the petitioners' table.*

43. **Ms. Luz Rexach** (National Advancement for Puerto Rican Culture, Inc.) said that the situation in Puerto Rico was very sad. Even though, under the United States Constitution, Puerto Ricans were entitled to the same rights as other United States citizens, in reality they could not even participate in the presidential elections of their own country, the United States. Although they had been dying by the thousands in wars launched by the United States to defend itself and democracy worldwide, Puerto Ricans lacked representation in the United States Congress or Senate. Paradoxically, Congress could send Puerto Ricans to the battlefield but Puerto Ricans could not send representatives to Congress.

44. Those who called Puerto Rico a colony shut their eyes to the present, the future and even the recent past. They tried to divert the Committee's attention from more vital problems facing the Americas and the entire world and to conceal their actual intentions. Thanking the Committee for its interest in Puerto Rico, the speaker asserted that Puerto Rico had ceased to be a United States colony long ago but, regrettably, lacked statehood. Puerto Rico was no more a colony than Alaska and Hawaii. In fact, compared to those two states taken together, Puerto Rico had more United States citizens that were actual local residents and provided more personnel to the United States Armed Forces, National Guard and police.

45. But one should not lump all peoples together. What Puerto Rico and Puerto Ricans particularly needed was statehood and the same rights as other United States citizens. Those two elements would end discrimination against the Puerto Rican population. A group of less than 2,000 should not be allowed to impose their will on the entire Puerto Rican of 3.8 million, including 160,000 veterans of the United States Armed Forces. The petitioner requested the Special Committee to assist Puerto Rico in becoming the fifty-first state of the United States.

46. *Mr. Moreno withdrew.*

47. *At the invitation of the Chairman, Mr. Adams ("Al Frente" television programme) took place at the petitioners' table.*

48. **Mr. Adams** ("Al Frente" television programme) said that Puerto Rico had been virtually a state of the United States for 87 years but its population faced considerable discrimination. In a way, Puerto Ricans, especially Puerto Rico residents, were viewed as second-class citizens. In the above period, three other United States territories had acquired statehood. That unequal treatment, as a result of which the island's population was not represented in the United States Congress and Senate and was deprived of many federal advantages enjoyed by other states, was discriminatory.

49. The status of "Commonwealth associated with the United States", entitling Puerto Ricans to elect their own governor and ensuring them some autonomy, had set in motion Puerto Rico's further political development. Although their economic situation had for decades been better than their neighbours', Puerto Rico residents felt frustrated at not enjoying the same rights as other United States citizens. Oddly, when they moved to the continent, Puerto Ricans their status improved: They became eligible to elect and be elected Congressmen, Congresswomen and Senators and cast their vote in the presidential elections. Accordingly, Puerto Rico's problem was not its alleged colonial status but discriminatory practices that reduced Puerto Ricans to "second rate citizens". That could be easily remedied by granting statehood to Puerto Rico and, thereby, the right to elect and send representatives to the United States Congress and Senate in line with the Constitution, which provided for equal rights for all citizens.

50. In the speaker's opinion, advocates of independence were actually communists whose dream was a totalitarian regime in the country. Egoism and self-interest prevented them from realizing that Puerto Rico and the United States were "married" and their "divorce" would be harmful to both. The "marriage" consisted of historical, commercial, military, cultural and other ties. Almost half of the total number of Puerto Ricans resided in various parts of the United States where, for many generations, Puerto Ricans had intermarried with other ethnic groups. To more than

one million Puerto Ricans who were United States citizens that had been raised and lived on the continent, Puerto Rico's independence made no sense. Indeed, a few individuals' dream could turn into a nightmare for millions.

51. In elections held in Puerto Rico, the pro-independence party had polled barely 3-4 percent of the vote. Puerto Ricans were basically for statehood. The artificial problem of Puerto Rico's colonial status could be definitively solved by making Puerto Rico the fifty-first state of the United States, whereby Puerto Ricans would automatically enjoy the same rights as other United States citizens. The United Nations should not encourage the pro-independence tendency, which undermined the Puerto Ricans' right to double nationality at a time when many other countries tended to favour double nationality arrangements. In conclusion, the speaker requested the Special Committee to contribute to the preservation of peace and security in Puerto Rico to the cause of its statehood.

52. *Mr. Adams withdrew.*

53. *At the invitation of the Chairman, Mr. Velgara (Vieques Support Campaign) took place at the petitioners' table.*

54. **Mr. Velgara** (Vieques Support Campaign) recalled that on 1 May 2003, as a result of the unremitting struggle of the population of the Vieques island and all Puerto Ricans and thanks to international solidarity, the United States Navy had been compelled to cease bombings and shut down its firing range on the island. The Vieques population, however, continued to suffer from various forms of cancer and respiratory diseases, mercury poisoning, water contamination and air pollution. In a report on the health of the population of the municipality of Vieques, dated 7 May 2004, the Secretary of Health of Puerto Rico had called the medical situation on the island an "emergency". The cancer rate in Vieques was 27 percent higher than the average for Puerto Rico as a whole.

55. Five political prisoners were serving sentences in United States federal prisons for having continued the fight for complete demilitarization of Vieques beyond 1 May 2003. The civil-disobedience and public-awareness campaigns had gone on, targeting the activities of the colonial administration, which had failed to implement its own decisions and to fulfil its obligations, systematically attempting to discredit and silence the population of Vieques and its organizations. When the bombings had ceased, it had disregarded their opinion and held official meetings with foreign investors and local construction companies and promoting Vieques land sales, thereby subordinating the local population's interests to those of United States agencies and corporations. Although the bombings had ceased and the firing range had been closed down, the civilian population of Vieques had been experiencing a "genocide in instalments".

56. The need for protesting Puerto Rico's colonial status and identifying effective decolonization alternatives was more evident than ever before. Under the pretext of counter-terrorism, the colonial power ignored the colonization-related problems, including inadmissible living conditions on Vieques. In the current political context, support for Puerto Rico's annexation or for a "broader autonomy" amounted to promoting a colonial system in disguise that served the interests of its proponents and undermined genuine decolonization, self-determination and independence. Since all political parties in Puerto Rico concurred that its current status was colonial, elementary political decency demanded that no referendum, constituent assembly or other devious political scheme aimed at preserving that status should be described as a remedy to the colonial situation.

57. General Assembly resolution 1514 (XV) and the provisions of international law on decolonization called unequivocally for the departure of all military forces, the end of repression, the release of all political prisoners and the restitution of economic, political and cultural sovereignty to the population of occupied territories before any constituent assembly could be convened. Those who had supported the struggle of the people of Vieques and sought Puerto Rico's independence and self-determination were concerned at the current political pessimism and opportunism in Puerto Rico and the wave of calls favourable to the colonial administration's design to preserve the status quo.

58. Puerto Rico would continue to fight for national liberation. The Puerto Rican diaspora was experiencing the effects of racism and discrimination that historically had been the predicament of colonial communities. Puerto Ricans living in the United States reaped the fruits of colonialism: They were one of the most disadvantaged social groups, particularly in the

areas of employment, housing, medical care and social services as a whole.

59. In conclusion, the speaker called on the international community to reaffirm its support for meeting the demands of the population of Vieques and Puerto Rico's aspiration to decolonization. In fact, the Vieques problem was caused by colonial status of Puerto Rico, which should therefore be fully decolonized under the provisions of international law and universal principles of justice.

60. *Mr. Velgara withdrew.*

61. *At the invitation of the Chairman, Mr. Villanueva Munoz (Committee for Human Rights of Puerto Rico) took place at the petitioners' table.*

62. **Mr. Villanueva Munoz** (Chairman of the Committee for Human Rights of Puerto Rico) said that the human rights committee, which he chaired, monitored closely the issue of the release of all Puerto Rican political prisoners. After the release of 11 political prisoners by President Clinton in 1999 and of Juan Segarra Palmer in 2004, four persons remained incarcerated, three of whom had already spent two decades in jail.

63. Under international law, a territory's demilitarization and the release of political prisoners were prerequisites to any genuine self-determination process. For more than 20 years, the Special Committee had been adopting resolutions demanding the release of political prisoners.

64. The process of demilitarization had been set in motion by the Vieques population's brave struggle, joined by proponents of diverse political views. Puerto Ricans had fought the feared United States Navy and managed to drive it off their land. After evacuating Vieques, the United States had set up an inter-agency committee to deal with the problem of Puerto Rico's colonial status.

65. The very fact that the Special Committee held hearings of Puerto Rican petitioners — even though each of them supported one of three alternative political statuses for Puerto Rico — proved the colonial character of Puerto Rico's current relationship with the United States. The Puerto Rican's struggle for their survival and preservation as a people and for defending their language, culture and sovereignty against all attempts of political assimilation could set an example to other peoples.

66. Prisoner abuse at the Abu Ghraib prison in Iraq had seriously damaged the United States' image and efforts to present Iraq as a model for freedom, democracy and human rights. Over the years, Puerto Rican political prisoners too had also suffered torture, including solitary confinement, pressure to renounce their political convictions and various forms of hardship. Two such examples were the cases of Oscar Lopes Rivera and Carlos Alberto Torres — serving disproportionately long prison sentences — who were subjected to psychological torture, including restrictions on visits by their family. After the attacks of 11 September 2001, they had been separated from other detainees simply because they were political prisoners who had combated colonial domination.

67. Thousands of Puerto Ricans lived and participated in presidential, congressional and municipal elections in the United States, where the Spanish speaking electorate as a whole played an ever-greater role in domestic politics. Since, moreover, some Puerto Rican political prisoners had been released by a Democratic president's decision, it was unlikely that Democrats would criticize a similar decision that the current Republican administration might take. In fact, the Puerto Rican diaspora would perceive such a measure as a goodwill gesture.

68. In conclusion, the speaker urged the Special Committee, in line with international law, to call upon the United States to release the remaining Puerto Rican political prisoners. The Puerto Rican people demanded that the United States should fulfil its obligations in that area by releasing those fighters, who had sacrificed their personal freedom, youth and family life to the cause of the decolonization of their homeland.

69. *Mr. Villanueva Munoz withdrew.*

70. *At the invitation of the Chairman, Mr. Ramos Rosado ("Pro Libertad" Freedom Campaign) took place at the petitioners' table.*

71. **Mr. Ramos Rosado** ("Pro Libertad" Freedom Campaign) said that his organization embodied a popular anti-imperialist and anti-colonialist movement for the liberation of Puerto Rican political detainees and prisoners of war and the decolonization of Puerto Rico. It pursued those goals through awareness campaigns and mobilization and organization activities. Its members premised their action on the belief that the imprisonment of Puerto Ricans for their political convictions and their pro-independence and

pro-self-determination activities was a repressive measure targeting Puerto Rico's independence movement in violation of international humanitarian law.

72. The question of Puerto Rico was of key importance to the implementation of the Plan of Action for the Second International Decade for the Eradication of Colonialism, since the termination of the colonial domination of Puerto Rico by the United States could have a domino effect by compelling other administering Powers, such as France and the United Kingdom, to re-examine the colonial status of the remaining Non-Self-Governing territories.

73. The Special Committee had made history with its ground-breaking cry against colonialism. Despite the clear language contained in its resolutions, however, the United States had not acted upon any of the Committee's recommendations. In 2004, Puerto Ricans were once again addressing the Committee as representatives not of a free and sovereign nation but of a colonial people exposed to racism, discrimination, impoverishment and exclusion. Puerto Ricans were among the first to be sent to war, deprived of representation in the United States Congress and Senate, spied upon if the administering Power considered them a menace to the colonial status quo and denied the right to control their own land and pursue economic development.

74. Nine Puerto Rican political prisoners were currently serving sentences in federal jails of the United States. Four of them had been in prison for more than 20 years for their participation in Puerto Rico's struggle for independence and self-determination. Five more, from Vieques, had been incarcerated as a result of Federal Bureau of Investigation (FBI) attempts to criminalize and intimidate the Vieques population that had fought for its rights. Despite their clean criminal record, all nine prisoners, who had fought for Puerto Rico's independence and combated a colonial status that they considered inadmissible and unbearable, had received sentences that were disproportionately harsh compared to those received by members of right-wing organizations.

75. The unwarranted sentences meted out to Puerto Rican women and men for their political activities that they had been punished for their beliefs, not for the acts alleged by the United States Government at the time of their arrest. In prison, they were tortured, abused and in general subjected to inhuman living conditions: They were denied medical assistance, kept in solitary confinement and prevented from seeing members of their families or their lawyers. Such treatment violated international law, which prohibited discrimination against prisoners on the basis of their political convictions.

76. The United States claimed to have attacked and occupied Iraq in order to neutralize its weapons of mass destruction, liberate the Iraqi people and ensure that Iraqis could exercise their right to self-determination. Puerto Ricans considered those claims hypocritical. In fact, Puerto Rico's colonial status, the United States military presence in Vieques and the detention of Puerto Rican political prisoners and prisoners of war provided clear evidence that the United States itself violated international law and human rights. The United States used the fact that it had no obligation to transmit information under Article 73 of the United Nations Charter to violate human rights in Puerto Rico. Although Puerto Ricans had managed to put an end to military exercises of the United States on Vieques, they had not yet achieved the island's full demilitarization and the recovery and development of the areas liberated. The United States continued to violate international law and to abuse the power that it wielded within the international community.

77. The speaker called on the United Nations to closely monitor human-rights and environmental-norms violations committed by the United States Government in Puerto Rico. The United States Government should be held accountable for its human rights record. The Special Committee should take any other appropriate action on the question of Puerto Rico and urge the United Nations to adopt emergency measures to ensure that the colonial system was abolished in Puerto Rico, the demands of the Vieques population were met and all remaining Puerto Rican political detainees and war prisoners — whose sole crime had been patriotism and their combat against an unfair and unlawful colonial regime — were unconditionally released.

78. *Mr. Ramos Rosado withdrew.*

79. *At the invitation of the Chairman, Ms. Brassel ("United for Vieques" organization) took place at the petitioners' table.*

80. **Ms. Brassel** ("United for Vieques" organization) said that she represented a community organization of concerned citizens pursuing social goals, and in particular peace and security on Vieques. The organization aimed at raising public awareness of the impact of the exploitation of Vieques by the United States for many years on the inhabitants' health and the island's environment and economy. Although Navy exercises on the island had ceased in May 2003, a powerful radar station continued to operate there and was generally believed to affect meteorological phenomena in the area. The soil and coastal waters of the island — polluted by substances such as lead, depleted uranium and arsenic, whose presence was a serious threat to public health — needed urgent decontamination. The areas that, after decontamination, should be given back to the people of Vieques were still under the jurisdiction of the Fish and Wildlife Service of the United States Department of the Interior. The current status of those areas and the fact that the United States Navy had made no commitment to decontaminate them and turn them over to the inhabitants of Vieques gave serious cause for concern.

81. The international community should clearly express its indignation over the island's current situation and require the decontamination of the areas in question, their restitution to the population of Vieques and the economic development of the island in accordance with the wishes of its population. That was the only way to ensure peace in Vieques.

82. The Puerto Rican people had a rich Hispanic cultural background with a worldwide reputation, wished to preserve their cultural identity and should not be culturally assimilated into the United States.

83. *Ms. Brassel withdrew.*

84. *At the invitation of the Chairman, Ms. Reveron Collazo (Comité Puerto Rico en las Naciones Unidas) took place at the petitioners' table.*

85. **Ms. Reveron Collazo** (Comité Puerto Rico en las Naciones Unidas) said that early on Puerto Rico's pro-independence movement had warned of the serious problems currently facing the Puerto Rican people, and in particular the adverse impact of Puerto Rico's colonial status on its economic, social and cultural development. In view of globalization, the people should be politically empowered to conclude bilateral and multilateral trade agreements lest its economic development would be inhibited. Puerto Rico, however, could not take sovereign decisions regarding such agreements. In fact, the United States unilaterally concluded and imposed on Puerto Rico arrangements that often ran counter to Puerto Rican interests. As a result, independence, initially demanded only by the pro-independence movement, was currently supported by most of the Puerto Rican population.

86. Moreover, the pro-independence movement had consistently pressed for Puerto Rico's demilitarization and drawn attention to the ruinous impact of the United States military presence on the environment, public health and economy of nearby communities. Eventually, the entire Puerto Rican people had demanded demilitarization and managed to obtain the departure of the United States Navy from Vieques, the shutting down of its "Roosevelt Roads" base and a promise to stop using the "Buchanan" firing range. The restitution of land formerly used by the United States Armed Forces opened up new possibilities for economic development.

87. Since the 1970s, the Puerto Rico Bar Association (CAPR) had considered alternative solutions to the problem of Puerto Rico's political status. In that context, convening a constituent assembly had been proposed as a way of establishing a democratic mechanism that would allow the people of Puerto Rico to decide on their political future. That option was currently supported by a majority of Puerto Ricans. Such a broad-based assembly would enable the Puerto Rican people to unanimously request the United States to grant sovereignty to Puerto Rico. In that process, the Special Committee should play a key role by ensuring that the United States would fulfil its obligations under international law.

88. The Special Committee had considered the question of Puerto Rico under General Assembly resolution 1514 (XV) of 1972, even though Puerto Rico was not on the list of Non-Self-Governing States. The Committee had significantly assisted Puerto Rico in its struggle for demilitarization and for the release of Puerto Rican political prisoners. Puerto Ricans further requested the Committee's and the international community's support in seeking full empowerment, which would allow them — along with the other peoples of the world — to participate in addressing world problems. Finding a solution to the question of Puerto Rico's political sovereignty justified the international community's involvement, because Puerto Rico was an essential link to tackling inter alia such

issues as trafficking in drugs, migration in the Caribbean Basin, marine resources preservation, transportation of traded commodities to the United States and Latin America countries, supply of high technology services and production of medicinal preparations.

89. *Ms. Reveron Collazo withdrew.*

90. *At the invitation of the Chairman, Ms. Ramos (American Association of Jurists) took place at the petitioners' table.*

91. **Ms. Ramos** (American Association of Jurists) said that, thanks to the resolutions adopted by the Special Committee in past years, bombings and military exercises on Vieques had ceased and the United States marine infantry had left the island in 2003. It was, however, wrong that public attention no longer focused on the issue, because there was still a lot to do. Contamination from toxic military waste, including depleted uranium, was a serious problem in Vieques and the draft resolution should require that the United States Government should fully cover the decontamination costs.

92. Moreover, the United States Government should indemnify the inhabitants of Vieques and ensure their access to suitable health care, since cancer and other morbidity rates were as a result of contamination caused by military activity in the area.

93. Although military activity had ceased on the island, the land was currently under the jurisdiction of the Fish and Wildlife Service of the United States Department of the Interior and consequently could at any time be returned to the United States Navy for military use without the Puerto Rican people's prior approval. Accordingly, the American Association of Jurists confirmed its support for the draft resolution, which stipulated that all Vieques areas, including the "Roosevelt Roads" base of the United States Navy, should be restored to the Puerto Rican people for their economic development.

94. The American Association of Jurists encouraged the Committee to adopt the draft resolution by consensus, take the measures necessary for the consideration of the question of Puerto Rico by the General Assembly and consider sending a visiting mission of the Special Committee to Vieques.

95. The President of the United States had the authority to take action for the release of Puerto Rican political prisoners jailed in the United States for participating in the fight for Puerto Rico's independence. The Association welcomed the proposal to convene a constituent assembly that would make it incumbent upon the United States Congress to ensure Puerto Rico's full political empowerment.

96. *Ms. Ramos withdrew.*

97. *At the invitation of the Chairman, Ms. Dueño (Fellowship of Reconciliation, Washington Office on Vieques) took place at the petitioners' table.*

98. **Ms. Dueño** (Fellowship of Reconciliation, Washington Office on Vieques) expressed appreciation for the draft resolution adopted on the question of Puerto Rico by the Special Committee in 2003 and, in particular, the request that the United States should restore the areas occupied on Vieques to the people of Puerto Rico. The island's population, through a non-violent civil-disobedience campaign, had won: Bombings had ceased on the island. The United States, however, had failed to comply with the demands of the resolution. That was not the first time it had flouted the decolonization principles: On taking Puerto Rico from Spain in 1898, the United States had promised to proclaim Puerto Rico's independence within a year. A century later, Puerto Rico was still a United States colony.

99. The United States had failed to comply with five points of the 2003 resolution on Puerto Rico. First, the lands on the island of Vieques had not been given back to the population but transferred administratively to another federal Department. The possibility that they might be returned to the United States Armed Forces could therefore not be excluded.

100. Second, the United States Government had failed to respect fundamental human rights by incarcerating political prisoners who had fought for the independence of Puerto Rico and the cessation of United States military activity on Vieques. Third, the United States had not yet taken steps to eliminate the environmental degradation — a serious public health hazard — caused by military activity on the island of Vieques. Fourth, the United States Government intended to apply the death penalty in Puerto Rico, where that form of punishment was prohibited. Fifth, the United States Armed Forces used aggressive methods to recruit Puerto Rican youth and that practice constituted a form of colonial exploitation.

101. Accordingly, the decolonization of Puerto Rico required, among other things, returning the land and coastal waters of Vieques to the people of the island, releasing Puerto Rican political prisoners, compensating the people of Vieques for damages and desisting from applying the death penalty in Puerto Rico and recruiting Puerto Ricans to serve in the United States Armed Forces.

102. *Ms. Dueño withdrew.*

103. *At the invitation of the Chairman, Ms. Velez Mitchell (PrimaVida, Inc.) took place at the petitioners' table.*

104. **Ms. Velez Mitchell** (PrimaVida, Inc.) said that she had been raised on Vieques and was currently managing a theatre and literary arts organization. As a United States citizen, she regretted having to complain about the island's contamination as a result of United States Navy exercises for six decades. As a result of that contamination, three fourths of the island's surface area was currently unsuitable as a place to live. Vieques currently had the highest cancer rate in Puerto Rico and a fatal outcome in 50 percent of cancer cases. As other United States citizens had done, the speaker demanded that the island should be effectively decontaminated.

105. Puerto Ricans, as many other North Americans, were indignant over the fact that some Vieques residents who had celebrated the United States Navy's departure from the island on 1 May 2003 had received excessive sentences for the offences of which they had been accused and were currently incarcerated. Even the mayor of Vieques had been arrested. In contrast, United States servicemen who had celebrated victory in Iraq by pulling down Saddam Hussein's statue in central Baghdad and burning the Iraqi flag had been hailed as heroes. The Puerto Rican heroes, on the contrary, had been arrested and thrown into prison.

106. Puerto Rico and Puerto Ricans had played a significant role in United States history. Currently, 2,927 Puerto Rican soldiers were serving in Kosovo, Bosnia, Afghanistan and Iraq, and another 4,450 were ready to leave for various "hot spots" around the world. According to a United States Supreme Court decision, Puerto Rico was associated with — but not part of — the United States. Under its current status, Commonwealth associated with the United States, Puerto Ricans enjoyed certain rights. Puerto Rico, however, had no institutionalized method for defending its international rights. Puerto Ricans wanted to be citizens of the United States and also contribute to the welfare of the world.

107. *Ms. Velez Mitchell withdrew.*

Requests for hearings

108. **The Chairman** drew attention to aide-mémoire 9/04/Add.1 of 14 June 2004, to which were attached copies of the statements received from representatives of organizations with requests for hearings in conjunction with the consideration of the question of Puerto Rico by the Special Committee. In view of the established practice of the Committee, he proposed, if he heard no objection, to comply with those requests for hearings of three petitioners.

109. *It was so decided.*

The meeting rose at 12.50 p.m.